

Appl. No. 09/420,419

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REMARKS/ARGUMENTS

Claims 1 to 20 remain in the application. Reconsideration and reexamination on the basis of the claims as amended and the following remarks are respectfully requested.

Claims 1, 8 and 17 have been amended to replace the term "a size and thickness" with the phrase "a rigidity and stiffness". This amendment is supported in the disclosure on pages 6 and 9 which describe the size and thickness of the bracket. These claims have also been amended to specify that the bracket has a concrete flow passage in the anchoring structure to allow for a continuity of the concrete through the bracket when it is embedded in the concrete to lock the bracket in the concrete wall. This amendment is supported in the description on page 6, lines 16 to 20. Other claims have been amended to make the language consistent with the language of these claims.

Claims 1 to 5 have been rejected under 35 USC 102(b) as being anticipated by Bourassa et al. Applicant respectfully traverses the rejection.

Bourassa et al describe a stud bracket used for mounting an electrical wiring box to a metal stud. As set forth in column 1, lines 36 and 37 and in column 2, lines 65 and 66, the bracket of Bourassa is made of a hand deformable material to allow the bracket to be bent by hand so that it may be easily attached to a metal stud. This is shown in Figures 2 through 7 and described in Column 3, beginning in line 25 of Bourassa. The attachment is accomplished by using screws in conjunction with holes provided in the bracket.

In contrast, the bracket of the present invention is used for attaching header and rim joists to concrete walls produced utilizing insulated forms. As such, the bracket must be dimensioned to properly support the loads encountered in floor systems constructed utilizing the bracket of the present invention. As set forth on page 6, line 11 to 13, of the present application, the bracket is formed of a suitable strength metal preferably a 12 or 16 gauge steel sheet material. In addition, to properly lock the bracket in the concrete of the wall so it may support the load, concrete flow openings are provided to allow the concrete to bridge the bracket and lock the bracket into the concrete. To further enhance this, reinforcing bars may be placed through the openings.

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It is applicant's submission that one of skill in the art would not be led to modify the teaching of Bourassa to arrive at the bracket of the present invention. Bourassa clearly teaches that the bracket for attachment of electrical boxes must be hand deformable. To produce a bracket not having this property would be clearly going against the teaching of Bourassa. In addition, there is no teaching in Bourassa which would lead one to provide concrete flow openings in the bracket to lock the bracket into the concrete. In view of all the above, it is respectfully submitted that claims 1 to 5 are not anticipated by Bourassa.

Claim 6 had been rejected under 35 USC 103(a) as being unpatentable over Bourassa et al. For the reasons set forth above with respect to claims 1 to 5, it is respectfully submitted that, as Bourassa teaches that the bracket must be light enough to be hand deformable, and does teach or suggest concrete flow openings, it would not have been obvious to modify Bourassa to provide a bracket dimensioned to support the load of a header or rim joist in a building structure. Nor would one be led to provide concrete flow openings.

Claim 7 and 15 had been rejected under 35 USC 103(a) as being unpatentable over Bourassa et al in view of "Simpson Strong-Tie Connectors" catalog item, page 48, hanger LSU26. As set out above, Bourassa teaches a lightweight hand deformable bracket for attaching electrical boxes to metal studs. The Simpson Strong-Tie catalog, LSU26, is a joist hanger bracket used for attaching sloped or skewed joists to headers. One of skill in the art would not be led to combine the teaching of Bourassa and Simpson in the manner suggested by the Examiner as to do so would go against the teaching of Bourassa that the bracket must be hand deformable. Even if one were to combine the teaching, which is not admitted but denied, one would not be led to develop the bracket of the present invention as there is no teaching in the combination which would lead one of skill in the art to such a bracket including concrete flow openings. Accordingly, it is respectfully submitted that Claims 7 and 15 are not obvious in view of Bourassa et al and Simpson Strong-Tie Connector.

Claims 8 to 13 and 17 to 20 have been rejected under 35 USC 103(a), as being unpatentable over Tobin et al in view of Bourassa et al. Tobin et al describes a form tie for holding the foam panels of insulated concrete forms in the proper spaced apart relationship. The form tie of Tobin is similar in structure to the bridging members 18 illustrated in Figure 1 of

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the present application. As described in Tobin in column 2, beginning in line 57, the form ties are made of an extruded plastic material such as polypropylene, nylon or polyethylene. As such, the ties would not have the load carrying capacity to allow them to support the load of a header or rim joist. One of skill in the art would not combine the teachings of Bourassa et al and Tobin et al as the patents are directed to totally different applications, one being the attachment of electrical boxes to metal studs and the other being a tie for holding insulated forms for constructing concrete walls. Even if one were to combine the teaching, which is not admitted but denied, one would not be led to develop the bracket of the present invention as there is no teaching in the combination which would lead one of skill in the art to such a bracket. Accordingly, it is respectfully submitted that Claims 8 to 13 are not obvious in view of Bourassa et al and Tobin et al.

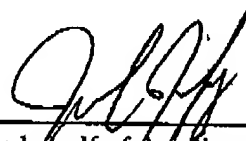
Claims 14 and 16 had been rejected under 35 USC 103(a) as being unpatentable over Tobin et al in view of Bourassa et al and Simpson Strong-Tie Connector. For the reasons set forth above, it is respectfully submitted that one of skill in the art would not combine the teachings of the three cited references in the manner suggested by the Examiner. The three references are all directed to different aspects of construction, Bourassa being directed to the bracket for attaching electrical boxes to metal studs, Tobin et al being directed to a tie for tying together insulated forms for concrete walls and Simpson Strong-Tie being directed to a sloped joist hanger for attaching a joist to a header or rim joist. Accordingly, it is respectfully submitted that Claims 14 and 16 are not obvious in view of Bourassa et al, Tobin et al and Simpson Strong-Tie Connector.

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Accordingly, in view of all of the above, it is respectfully submitted that the claims of the application define a patentable invention over the prior art of record.

Respectfully submitted,



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JJ/jc